

# Order

Michigan Supreme Court  
Lansing, Michigan

December 28, 2020

Bridget M. McCormack,  
Chief Justice

161092

David F. Viviano,  
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 161092  
COA: 344703  
Wayne CC: 17-010362-FC

DEANDRE TERREL AUSTIN,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the January 14, 2020 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the defendant was denied a fair trial by virtue of the trial judge's instructions to the jury regarding reasonable doubt; (2) whether trial counsel was constitutionally ineffective for failing to object to the trial judge's instructions on reasonable doubt; and (3) whether the evidence presented at trial was sufficient to support the defendant's conviction of felony-murder. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 28, 2020

Clerk